



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Egan Field Office

HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408

http://www.blm.gov/nv/st/en/fo/ely_field_office.html



In Reply Refer To:
2860 (NVL0100)
N-91757

AUG 26 2014

DECISION

Arizona Nevada Tower Corp.
6220 McLeod Drive, Ste. 100
Las Vegas, NV 89120

:
:
:

Decision Record
Communication Facility Right-of-Way
DOI-BLM-NV-L010-2013-0010-EA

I have reviewed the application and the Environmental Assessment (EA) and have made a Finding of No Significant Impact (FONSI) for *Arizona Nevada Tower Corporation* who is requesting:

Authorization of Right-of-Way (ROW) communication lease, N-91757, to construct an unmanned telecommunications facility that would be a fenced area 100' x 100' (10,000 square feet) which includes a 120' self-support lattice tower, a 10' x 20' radio equipment shelter, a meter bank on (2) concrete footers, a 10' x 50' access road and parking, and an underground electrical distribution line that would be approximately 50' long.

The project area is located approximately one-half mile to the east of the eastern boundary and/or approximately one-half mile north of the southern portions of the Duckwater Indian Reservation on the western flanks of the southern end of Duckwater Hills. Based on that review and the record as a whole, I approve the *federal action* with the following stipulations derived from mitigation measures in the EA and FONSI.

Stipulations:

- All vehicle movement outside of the ROW will be restricted to pre-designated access, contractor acquired access, or public roads.
- All construction activity will be restricted and confined within predetermined limits (typically Proposed Project area). No discoloring or permanent paint or agent will be applied and environmentally sensitive areas will be flagged to alert personnel of areas to be avoided during construction
- Vegetation will be left in place wherever possible to avoid excessive root damage and allow for re-sprouting in construction areas where re-contouring is not required.
- Surface restoration will occur as directed by the BLM where construction ground disturbance is significant or where re-contouring is required. The restoration method typically is returning disturbed areas to their natural contour (to the extent practical).

- Prior to construction, all personnel will be instructed on the protection of cultural, paleontological, and ecological resources. All construction contracts will assist in this effort by addressing Federal and State Laws regarding antiquities, fossils, plants and wildlife, including removal and collection, and the importance of protecting them.
- Any cultural and/or paleontological resource discovered during construction by any person working on ANTC's behalf will immediately report the discovery to ANTC's authorized personnel, who will subsequently report the finding to the authorized officer of the BLM. ANTC will suspend operations within 100 meters of the area until an evaluation is completed to prevent the loss of cultural or scientific values and ANTC is issued a Notice to Proceed by the BLM.
- All construction and maintenance activities will be conducted in a manner that would minimize disturbance to vegetation, drainage channels, and overland areas. In addition, dust-control measures will be utilized as necessary during construction in sensitive areas. All existing dirt access roads will be left in a condition equal to or better than their condition prior to construction activities.
- All requirements of those entities having jurisdiction over air quality matters will be adhered to and any necessary permits for construction activities would be obtained. Open burning of construction trash will not be allowed on BLM lands.
- Any fences and/or gates that may become damaged or destroyed by construction activities will be repaired or replaced to their original pre-disturbed condition.
- During construction and operation of tower facility, the ROW will be maintained free of construction related non-biodegradable debris.
- Totally enclosed containment will be provided for all hazardous materials (if needed). All construction waste including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials will be removed to a disposal facility authorized to accept the waste.
- All construction holes without an avenue of escape will be covered overnight to prevent danger to wildlife.
- All equipment, used by ANTC or any part working on their behalf, which will be off-road, will be cleaned by power or high-pressure cleaning of all mud, dirt, and plant parts prior to moving onto public lands.
- No widening of existing dirt access roads will be undertaken in the area of construction operation or access. Maintenance of the access road may be completed by adding gravel to any rutted two-track grooves to prevent any further rutting.
- There will be no blading of new access roads in areas of construction except as authorized. Existing crossings will be utilized at washes. The access route(s) will be flagged with an easily seen marker.
- Modified structure design may be utilized as necessary to minimize ground disturbance or operational conflicts.
- Existing roads or trails that will be blocked as a result of construction will be rerouted as directed by the authorizing officer.
- ANTC and its contractors will comply with all federal and state fire law and regulations and will take reasonable measures to prevent and suppress fires in the area. Fire extinguishers will be available during construction and made permanent within the equipment shelter once the site is operational that meet NFPA standards. Also, during times of extreme fire danger, operations may be suspended or limited in certain areas.

RATIONALE:

- The Proposed Action is in conformance with the Ely District Record of Decision and Approved Resource Management Plan signed in August of 2008.
 - Meets public, local, state, and federal agency needs for use authorizations such as rights-of-way, permits, leases, and easements while avoiding or minimizing adverse impacts to other resource values.
 - Respond to public, local, state, and federal agency needs for land for community development, utility and other associated rights-of-way, communication sites, and other allowed uses of BLM-administered lands.
- The Proposed Action is consistent with all other federal, state, local, and tribal policies and plans to the maximum extent possible.
- Implementation of the proposed action will meet the purpose and need for the action.

PUBLIC INVOLVEMENT:

The preliminary EA was posted on the National NEPA Register from July 07, 2014 to August 07, 2014, to allow interested public to express any concerns not addressed in the document. Comments that were received have been addressed thru stipulations. Native American Tribal Consultation and Coordination was completed and one comment in support of authorization of the project was received.

APPEALS:

This decision may be appealed to the Interior Board of Land Appeals (Board), U. S. Department of the Interior (DOI) Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4. The appellant has the burden of showing that the decision appealed from is in error. If an appeal is taken, a notice of appeal must be filed at the Bureau of Land Management at the above address within 30 days of either of receipt of the decision if served a copy of the document, or otherwise within 30 days of the date of the decision. If sent by United States Postal Service, the notice of appeal must be sent to the following address:

Bureau of Land Management
Ely District Office
HC 33 Box 33500
Ely, NV 89301.

The appeal may include a statement of reasons at the time the notice of appeal is filed, or the statement of reasons may be filed within 30 days of filing this appeal. At the same time the original documents are filed with this office, copies of the notice of appeal, statement of reasons, and all supporting documentation also must be sent to the U. S. DOI Solicitor at the following address:

Regional Solicitor, Pacific Southwest Region
U.S. Department of the Interior
2800 Cottage Way, Room E-2753
Sacramento, CA 95825-1890

If a statement of reasons is filed separately from the notice of appeal, it also must be sent to the following location within 30 days after the notice of appeal was filed:

Interior Board of Land Appeals
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, VA 22203

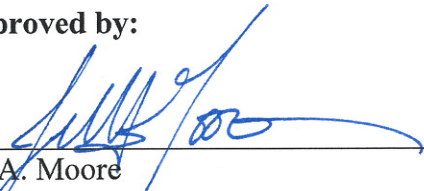
This Decision will remain in effect during the appeal unless a petition for stay is filed. If the appellant wishes to file a petition pursuant to regulations at 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. If the appellant requests a stay, the appellant has the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or by other pertinent regulation, a Petition for a Stay of a Decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Approved by:



Jill A. Moore
Field Manager
Egan Field Office



Date

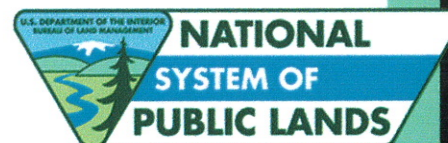
**U.S. Department of the Interior
Bureau of Land Management**

**Finding of No Significant Impact
DOI-BLM-NV-L010-2013-0010-DR
August 2014**

**ANTC DUCKWATER TELECOMMUNICATION
TOWER FACILITY PROJECT**

Nye County

U.S. Department of the Interior
Bureau of Land Management
Egan Field Office
Phone: 775-289-1800
Fax: 775-289-1910



**DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Egan Field Office**

**FINDING OF NO SIGNIFICANT IMPACT (FONSI)
ANTC DUCKWATER TELECOMMUNICATION FACILITY ROW**

INTRODUCTION

The Bureau of Land Management (BLM) prepared an Environmental Assessment (DOI-BLM-NV-L010-2013-0010-EA), which analyzes the effects of Arizona Nevada Tower Corporation's proposal to construct an unmanned telecommunication facility, near Duckwater, Nevada.

To meet the purpose of and need for the proposed project and resolve the issues identified, the BLM has determined that only the Proposed Action and No-Action alternatives are necessary for detailed analysis in the EA. The EA is tiered to, and incorporates by reference the Ely District ROD and Approved RMP, (BLM 2008).

I have reviewed the Environmental Assessment (EA), for the Arizona Nevada Tower Corporation communication facility Right-of-Way (DOI-BLM-NV-L010-2013-0010-EA), dated August 2013. After consideration of the environmental effects as described in the EA, I have determined that the Proposed Action with the project design features, including mitigation measures identified in the EA and outlined below will not significantly affect the quality of the human environment and that an Environmental Impact Statement (EIS) is not required.

Mitigations

- All vehicle movement outside of the ROW will be restricted to pre-designated access, contractor acquired access, or public roads.
- All construction activity will be restricted and confined within predetermined limits (typically Proposed Project area). No discoloring or permanent paint or agent will be applied and environmentally sensitive areas will be flagged to alert personnel of areas to be avoided during construction
- Vegetation will be left in place wherever possible to avoid excessive root damage and allow for re-sprouting in construction areas where re-contouring is not required.
- Surface restoration will occur as directed by the BLM where construction ground disturbance is significant or where re-contouring is required. The restoration method typically is returning disturbed areas to their natural contour (to the extent practical).
- Prior to construction, all personnel will be instructed on the protection of cultural, paleontological, and ecological resources. All construction contracts will assist in this effort by addressing Federal and State Laws regarding antiquities, fossils, plants and wildlife, including removal and collection, and the importance of protecting them.
- Any cultural and/or paleontological resource discovered during construction by any person working on ANTC's behalf will immediately report the discovery to ANTC's authorized personnel, who will subsequently report the finding to the authorized officer of the BLM. ANTC will suspend operations within 100 meters of the area until an evaluation is completed to prevent the loss of cultural or scientific values and ANTC is issued a Notice to Proceed by the BLM.

- All construction and maintenance activities will be conducted in a manner that would minimize disturbance to vegetation, drainage channels, and overland areas. In addition, dust-control measures will be utilized as necessary during construction in sensitive areas. All existing dirt access roads will be left in a condition equal to or better than their condition prior to construction activities.
- All requirements of those entities having jurisdiction over air quality matters will be adhered to and any necessary permits for construction activities would be obtained. Open burning of construction trash will not be allowed on BLM lands.
- Any fences and/or gates that may become damaged or destroyed by construction activities will be repaired or replaced to their original pre-disturbed condition.
- During construction and operation of tower facility, the ROW will be maintained free of construction related non-biodegradable debris.
- Totally enclosed containment will be provided for all hazardous materials (if needed). All construction waste including trash, litter, garbage, other solid waste, petroleum products, and other potentially hazardous materials will be removed to a disposal facility authorized to accept the waste.
- All construction holes without an avenue of escape will be covered overnight to prevent danger to wildlife.
- All equipment, used by ANTC or any part working on their behalf, which will be off-road, will be cleaned by power or high-pressure cleaning of all mud, dirt, and plant parts prior to moving onto public lands.
- No widening of existing dirt access roads will be undertaken in the area of construction operation or access. Maintenance of the access road may be completed by adding gravel to any rutted two-track grooves to prevent any further rutting.
- There will be no blading of new access roads in areas of construction except as authorized. Existing crossings will be utilized at washes. The access route(s) will be flagged with an easily seen marker.
- Modified structure design may be utilized as necessary to minimize ground disturbance or operational conflicts.
- Existing roads or trails that will be blocked as a result of construction will be rerouted as directed by the authorizing officer.
- ANTC and its contractors will comply with all federal and state fire law and regulations and will take reasonable measures to prevent and suppress fires in the area. Fire extinguishers will be available during construction and made permanent within the equipment shelter once the site is operational that meet NFPA standards. Also, during times of extreme fire danger, operations may be suspended or limited in certain areas.

This finding is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27) with regard to the context and the intensity of impacts as discussed in the EA.

Context

The BLM has the authority to authorize rights-of-way in accordance with Title II Section 501(a-b) of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1761) and the regulations under 43 CFR 2800.

Intensity:

- 1) Impacts that may be both beneficial and adverse: The Environmental Assessment has analyzed and disclosed beneficial impacts but has found no adverse impacts of the Proposed Action.
- 2) The degree to which the Proposed Action affects public health or safety: The Proposed Action does not affect public health or safety significantly either adversely or in a beneficial manner.
- 3) Unique characteristics of the geographic area such as proximity to historical or cultural resources, parks lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas: There are no parks lands, prime farmlands, wild and scenic rivers, wetlands, or ecologically critical areas within the Proposed Action site.
- 4) The degree to which the effects on the quality of the human environment are likely to be highly controversial: Effects on the quality of the human environment from the Proposed Action are not likely to be controversial.
- 5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks: No unknown risk or potential risks have been identified.
- 6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration: The Proposed Action is in conformance with current BLM policies and management direction and is not expected to set a precedent or establish principles for future projects beyond those which are currently in place. Any future projects within the Proposed Action area or in surrounding areas will be fully analyzed as a separate action and independently of the Proposed Action.
- 7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts: Based on the conditions set forth in this Finding of No Significant Impact, no significant impacts will occur due to the Proposed Action.
- 8) The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing on the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources: Based on the analysis, this proposal will not adversely affect districts, sites, highways, structures, or other objects listed or eligible for listing. Nor will the proposed project cause loss or destruction of significant scientific, cultural, or historical resources. All proposed undertakings associated with authorizing this right-of-way, which could adversely impact an archaeological or historic resource, will be subject to full compliance with Section 106 of the National Historic Preservation Act.

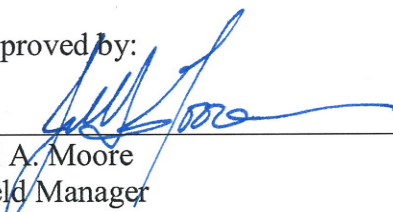
9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:

Sensitive species from the Heritage Program Sensitive List known are not present on the parcels so will not be adversely affected.

10) Whether the action threatens a violation of Federal, State, local or tribal law or requirements imposed for the protection of the environment: This action is consistent with federal, state, local, and tribal laws and other requirements for the protection of the environment.

This document is available upon request from the Egan Field Office, HC 33 Box 33500, Ely, NV 89301.

Approved by:



Jill A. Moore
Field Manager
Egan Field Office

8/22/14

Date